

REMARKS

I. Status of the Claims

Claims 1-20 are currently pending in the Application. Claims 1 and 12 are in independent format. Applicant has amended independent claims 1 and 12 herein.

The present Response is intended to be fully responsive to the rejections raised by the Examiner and is believed to place the application in condition for allowance. Further, the Applicant does not concede any of the Examiner's comments not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested.

II. Claim Amendments

Applicants have herein amended independent claim 1 to include the following recitations: “maintaining a set of data that correlates data-references with both (i) location and (ii) device capability information, wherein each data reference points to respective data . . . querying the set of data to uncover at least one data-reference that the set of data correlates with both (i) the current location of the device and (ii) ~~that the data set correlates with~~ the one or more capabilities of the device.”

Applicants have also herein amended independent claim 12 in a similar manner: “a set of data that correlates data-references with both (1) location and (2) device capability information, wherein each data reference points to respective data . . . querying the set of data to uncover at least one data-reference that the set of data correlates with both (1) the current location of the device and (2) ~~that the set of data correlates with~~ the one or more capabilities of the device.

III. Responses to Section 103(a) Rejections

The Examiner rejected claims 1-4, 6-9, 11-14, 16-17, and 19-20 under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent App. Pub. No. 2003/0060211A1 granted to Chern et al. (“Chern”) in view of U.S. Patent No. 6,970,548 granted to Pines et al. (“Pines”). The Examiner also rejected claims 5, 10, 15, and 18 under section 103(a) as being allegedly unpatentable over Chern in view of Pines and further in view of U.S. Patent No. 6,970,548 granted to Rossman. In order to establish a *prima facie* case of obviousness over a combination of references, the combination must teach or suggest all of the claim limitations. M.P.E.P. § 2143; *In re Royka*, 490 F.2d 981 (CCPA 1974). In this case, the combination of Chern and Pines does not teach or suggest all of the limitations of either independent claim 1 or 12. Accordingly, the combination also fails to teach or suggest all of the limitations of any of dependent claims 2-11 and 13-20.

At a minimum, the combination of Chern and Pines fails to teach or suggest two elements of Applicant’s independent claims: (i) maintaining “a set of data that correlates data-references with . . . device capability information” and (ii) “querying a set of data to uncover at least one data-reference that the set of data correlates with . . . one or more capabilities of the device.” In particular, Applicant’s claims include recitations directed to “a set of data” and “querying the set of data.” In Applicant’s amended independent claims, Applicant has clarified even further that the set of data correlates data-references with *both* (i) location information *and* (ii) device capability information. Moreover, in Applicant’s amended claims, Applicant has also clarified even further that querying the set of data includes querying to uncover at least one data-reference that the set of data correlates with *both* (i) the current location of the device *and* (ii) the one or

more capabilities of the device. Thus, Applicant's claims recite a data set that correlates data-references with device capability information.

In setting forth the obviousness rejection, the Examiner admitted that "Chern does not specifically disclose device capability information, determining one or more capabilities of the device, and the data set correlates with the one or more capabilities of the device." Office Action, Jan. 8, 2007, p. 3. To make up for the deficiency in Chern, the Examiner alleged that Pines "teaches device capability information, determining one or more capabilities of the device (see column 26, lines 31-53, see 'capabilities', 'voice format' and 'text format'), and the data set correlates with the one or more capabilities of the device (also see column 26, lines 31-53, see 'capabilities', 'voice format' and 'text format')." *Id.* The Examiner further asserted that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Pines into the system of Chern." *Id.*

Unlike Applicant's claimed embodiments, however, Pines does not disclose a set of data that correlates data references with device capability information. Generally, Pines discloses a communication assistance system that comprises a call center that can receive calls from a plurality of callers (e.g., requestors) and route those calls to an operator terminal and a first database. *See, e.g.,* Pines, Abstract. As part of the call routing in Pines, the Pines system "checks the Pre-announcement field 59 of Call Completion Data Packet 50 which indicates whether or not the subscriber of the Wireless Adapter 6 wishes a calling party to be 'pre-announced.'" Pines, col. 26, lines 14-17. Pines defines the "Call Completion Data Packet 50" as including an origination phone number field, wireless apparatus identification number field, closing prompt code field, and pre-announcement code field. *See* Pines, Fig. 9; col. 21, lines 4-

17. According to Pines, the “pre-announcement” can be a caller’s name and “provides an opportunity to accept or reject the inbound call.” Pines, col. 26, lines 19-20, 40.

In the embodiment of Pines cited by the Examiner, the Pines system “consults the Pre-announcement field 59 of Call Completion Data Packet 50, to determine the method of transmitting the pre-announcement.” Pines, col. 26, lines 31-33. Pines then states that the “pre-announcement can be either in text or voice format” and “[u]sing the fields in Call Completion Data Packet 50, System 2 determines what format is available based on the carrier and device capabilities of Wireless Adaptor 6.” Pines, col. 26, lines 33-37. If the system in Pines determines voice format is available, it then records the caller’s name and sends the pre-announcement. Pines, col. 26, lines 31-42.

Thus, even if Pines is taken to teach device capability information and determining one or more capabilities of a device (an assertion that Applicant does not concede), there is no disclosure in Pines of “a set of data that correlates data-references with . . . device capability information, wherein each data reference points to respective data,” as claimed by Applicant (or “the data set correlates with the one or more capabilities of the device” as stated by the Examiner).

For example, the set of data recited in Applicant’s claims is different than a data packet as disclosed by Pines. A “set of data” as recited by Applicant’s claims 1 and 12, does not just include “device capability information” alone, but instead correlates data-references pointing to respective data with device capability information. Applicant has included an example of “a set of data” as Figure 8 in Applicant’s application. At best, the data packet of Pines may be analogous to one row of the set of data depicted in Applicant’s Figure 8 (a point not conceded by Applicant, however). The data packet of Pines does not, however, include a plurality of data

references, much less a set of data that correlates the plurality of data references to device capability information, as claimed by Applicant. Moreover, the data packet of Pines does not include a data reference. As disclosed in Pines, a “pre-announcement” is recorded by a caller after the system has allegedly determined that the receiving device is capable of receiving a pre-announcement in voice format. *See, e.g.*, Pines, col. 26, lines 31-42. Thus, in the data packet of Pines, not only is there no correlation of data-references with device capability information, there is also no data reference pointing to respective data, as claimed by Applicant.

Applicant therefore respectfully submits that neither Chern nor Pines teaches or suggests a set of data that correlates data-references with device capability information. Applicant therefore submits that independent claims 1 and 12 are allowable.

Applicant respectfully submits that the Examiner has not established the requisite *prima facie* case of obviousness of Applicant’s independent claims 1 and 12, for the reasons discussed above. Without addressing the merits of the Examiner’s statements regarding the pending dependent claims 2-11 and 13-20, which are not conceded, Applicant points out that these claims depend from and include all of the limitations of claims 1 and 12. Therefore, Applicant’s dependent claims distinguish over the cited references for the same reasons discussed above with regard to independent claims 1 and 12. Applicant respectfully submits that the Examiner has not established the requisite *prima facie* case of obviousness of the pending dependent claims.

CONCLUSION

In light of the above amendments and remarks, Applicant submits that the present application is in condition for allowance and respectfully requests notice to this effect. The Examiner is requested to contact Applicant's representative below at (312) 913-0001 if any questions arise or if he may be of assistance to the Examiner.

Respectfully submitted,

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